

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
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David J. Sheehan
Nicholas J. Cremona
Heather J. McDonald

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04580
(SMB)

LEON SHOR REVOCABLE TRUST;

STEPHEN SHOR, in his capacity as TRUSTEE of
the LEON SHOR REVOCABLE TRUST;

DORIS SHOR, in her capacity as TRUSTEE of the

LEON SHOR REVOCABLE TRUST and as
SUBSEQUENT TRANSFEREE of the LEON
SHOR REVOCABLE TRUST, and
INDIVIDUALLY,

Defendants.

TRUSTEE'S REQUEST FOR JUDGMENT BY DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Judgment by Default against Defendants the Leon Shor Revocable Trust, Stephen Shor, in his capacity as Trustee of the Leon Shor Revocable Trust, Doris Shor in her capacity as Trustee of the Leon Shor Revocable Trust and as Subsequent Transferee of the Leon Shor Revocable Trust, and individually, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055(b)(1) of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule for the Southern District of New York 7055-2(a), for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Request for Judgment by Default in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
August 9, 2017

Respectfully submitted,

Of Counsel:

BAKER & HOSTETLER LLP

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Heather J. McDonald
Email: hmcdonald@bakerlaw.com

*Attorneys for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEON SHOR REVOCABLE TRUST;

STEPHEN SHOR, in his capacity as TRUSTEE of
the LEON SHOR REVOCABLE TRUST;

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04580
(SMB)

DORIS SHOR, in her capacity as TRUSTEE of the
LEON SHOR REVOCABLE TRUST and as
SUBSEQUENT TRANSFEREE of the LEON
SHOR REVOCABLE TRUST, and
INDIVIDUALLY,

Defendants.

AFFIDAVIT FOR JUDGMENT BY DEFAULT

STATE OF NEW YORK)
)
 ss.:
COUNTY OF NEW YORK)

Heather J. McDonald, being duly sworn, deposes and states:

1. I am a partner with the firm of Baker & Hostetler LLP, attorneys for Irving H. Picard (“Trustee”), Trustee for the consolidated Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the Estate of Bernard L. Madoff, and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 7055-2(a) of the Local Rules of the Bankruptcy Court for the Southern District of New York, in support of the Trustee’s application for entry of a default judgment against Defendants the Leon Shor Revocable Trust, Stephen Shor, in his capacity as Trustee of the Leon Shor Revocable Trust, Doris Shor in her capacity as Trustee of the Leon Shor Revocable Trust and as Subsequent Transferee of the Leon Shor Revocable Trust, and individually (“Defendants”).
3. This action is an adversary proceeding commenced before the same Court before which the main underlying SIPA proceeding, No. 08-01789 (SMB) (the “SIPA Proceeding”), is pending. The SIPA Proceeding was originally brought in the United States District Court for the Southern District of New York as *Securities and Exchange Commission v. Bernard L. Madoff Investment Securities LLC et al.*, No. 08 CV 10791, and has been referred to this Court. This

Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334(b) and 15 U.S.C. §§ 78eee(b)(2)(A), (b)(4). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (H), and (O).

4. On February 3, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defendants. (See Dkt. No. 4.) An Affidavit of Service evidencing proper and timely service was filed with the Court. (See Dkt. No. 4.) A true and correct copy of the Affidavit of Service is attached hereto as Exhibit 1.

5. Defendants have not answered the Complaint, and the time for Defendants to answer the Complaint has expired. True and correct copies of the Certificates of Default obtained pursuant to Local Bankruptcy Rule 7055-1 are attached hereto as Exhibit 2, Exhibit 3, and Exhibit 4. *See also* Dkt. Nos. 9, 10 and 11.

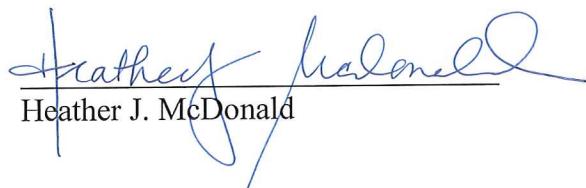
6. The Complaint in this adversary proceeding asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of transfers in the sum of \$582,522 made by BLMIS to Defendants during the two years prior to the Filing Date. (See Compl. ¶ 40 and Compl. Exhibit B).

7. This action seeks judgment for the liquidated amount of \$582,522.00 pursuant to Count One, Two and Seven of the Complaint, which is justly due and owing, and no part of which has been paid.

8. Attached hereto as Exhibit 5 is a true and correct copy of the Affidavit of Service reflecting proper service of the Clerk's Entry of Default on Defendants on July 26, 2017. *See also* Dkt No. 15.

9. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: New York, New York
August 9, 2017


Heather J. McDonald

Sworn to before me this
9th day of August, 2017


Peggy E. Ruiz
Notary Public, State of New York
No. 4650438
Qualified in New York County
Commission Expires Jan. 31, 2018

Notary Public, State of New York

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (BRL)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Case No. 09-11893 (BRL)

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04580 (BRL)

Plaintiff,

v.

LEON SHOR REVOCABLE TRUST;
STEPHEN SHOR, in his capacity as TRUSTEE of
the LEON SHOR REVOCABLE TRUST;
DORIS SHOR, in her capacity as TRUSTEE of the
LEON SHOR REVOCABLE TRUST and as
SUBSEQUENT TRANSFEREE of the LEON
SHOR REVOCABLE TRUST, and
INDIVIDUALLY,

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
) ss:
COUNTY OF NEW YORK)

I, Patricia Malval declare:

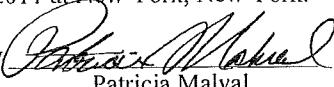
1. I am over the age of 18 years and not a party to these chapter 11 cases.
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 3rd day of February, 2011, I caused a true and accurate copy of the:

- (i) "Complaint", along with the relevant exhibits (Docket No. 1); and the
- (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the
- (iii) "Summons and Notice of Pretrial Conference in An Adversary Proceeding" (Docket No. 3); and the
- (iv) "Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order" dated November 11, 2010; and the
- (v) "Avoidance Action Executive Summary Letter dated December 20, 2010"; and the
- (vi) "Second Amended Notice of Omnibus Avoidance Action Hearing Dates",

to be served upon the parties listed on Exhibit 1, attached hereto, via First Class US Mail.

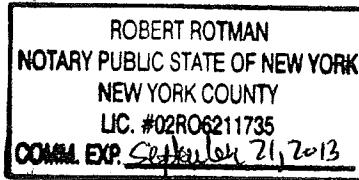
4. Said documents were securely enclosed in postage prepaid envelopes and delivered to an office of the United States Postal Service for delivery by First Class Mail.

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 3rd day of February, 2011 at New York, New York.

By 
Patricia Malval

Sworn before me this
3rd day of February, 2011


Notary Public



Date : 2/3/2011

Adv Pro No: 10-04580 (BRL)
Exhibit 1
Redacted Version

Page # : 1

THE LEON SHOR REVOCABLE TRUST

THE LEON SHOR REVOCABLE TRUST
GREAT NECK NY 11024

000446 005529

THE LEON SHOR REVOCABLE TRUST
GREAT NECK NY 11024

000446 009554

DORIS SHOR

DORIS SHOR
GREAT NECK NY 11024

002363 005576

STEPHEN SHOR

STEPHEN SHOR
GREAT NECK NY 11024

002365 005577

DORIS SHOR

DORIS SHOR
GREAT NECK NY 11024

005588 011980

DORIS SHOR

DORIS SHOR
GREAT NECK NY 11024

005589 011981

EXHIBIT 2

United States Bankruptcy Court

Southern District of New York

In re

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation
(Substantively Consolidated)

Debtor

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff

v. Adversary Proceeding No. 10-4580 (BRL)

Leon Shor Revocable Trust

Stephen Shor, in his capacity as Trustee of the Leon Shor Revocable Trust

**Doris Shor, in her capacity as Trustee of the Leon Shor Revocable Trust and as subsequent
transferee of the Leon Shor Revocable Trust and individually
Defendants**

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise
defend in this case as required by law:

Name: **Leon Shor Revocable Trust**

Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Vito Genna

Clerk of the Bankruptcy Court

July 13, 2012

Date

By: Greg White

Deputy Clerk

EXHIBIT 3

United States Bankruptcy Court

Southern District of New York

In re

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation
(Substantively Consolidated)

Debtor

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
Plaintiff

v. Adversary Proceeding No. 10-4580 (BRL)

Leon Shor Revocable Trust

Stephen Shor, in his capacity as Trustee of the Leon Shor Revocable Trust

**Doris Shor, in her capacity as Trustee of the Leon Shor Revocable Trust and as subsequent
transferee of the Leon Shor Revocable Trust and individually
Defendants**

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise
defend in this case as required by law:

Name: **Stephen Shor**

Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Vito Genna

Clerk of the Bankruptcy Court

July 13, 2012

Date

By: Greg White

Deputy Clerk

EXHIBIT 4

United States Bankruptcy Court

Southern District of New York

In re

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation
(Substantively Consolidated)

Debtor

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
Plaintiff

v. Adversary Proceeding No. 10-4580 (BRL)

Leon Shor Revocable Trust

Stephen Shor, in his capacity as Trustee of the Leon Shor Revocable Trust

**Doris Shor, in her capacity as Trustee of the Leon Shor Revocable Trust and as subsequent
transferee of the Leon Shor Revocable Trust and individually
Defendants**

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise
defend in this case as required by law:

Name: **Doris Shor**

Therefore, default is entered against the defendant as authorized by Bankruptcy Rule 7055.

Vito Genna

Clerk of the Bankruptcy Court

July 13, 2012

Date

By: Greg White

Deputy Clerk

EXHIBIT 5

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
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David J. Sheehan
Nicholas J. Cremona
Heather J. McDonald

*Attorneys for Irving H. Picard, Trustee for the
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEON SHOR REVOCABLE TRUST;

STEPHEN SHOR, in his capacity as TRUSTEE of
the LEON SHOR REVOCABLE TRUST;

DORIS SHOR, in her capacity as TRUSTEE of the

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04580
(SMB)

LEON SHOR REVOCABLE TRUST and as
SUBSEQUENT TRANSFEREE of the LEON
SHOR REVOCABLE TRUST, and
INDIVIDUALLY,

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

I, Peggy Ruiz, being duly sworn, depose and say: I am more than eighteen years old and not a party to this action. My business address is Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111.

On July 26, 2017, I served the Clerk's Entry of Default against Leon Shor Revocable Trust (ECF No. 9), Clerk's Entry of Default against Stephen Shor (ECF No. 10), and Clerk's Entry of Default against Doris Shor (ECF No. 11) by placing true and correct copies thereof in sealed packages designated for regular U.S. Mail to:

Anthony S. Cannatella, Esq.
Law Offices of Anthony S. Cannatella
53 Orchard Street
Manhasset, New York 11030

Dory Salem, Esq.
Salem Shor & Saperstein, LLP
3000 Marcus Avenue
Suite 1W6
Lake Success, New York 11042

On July 26, 2017, I served the Clerk's Entry of Default against Leon Shor Revocable Trust (ECF No. 9) by placing a true and correct copy thereof in a sealed package designated for regular U.S. Mail to:

Leon Shor Revocable Trust
(Redacted Version)
Great Neck, New York 11024

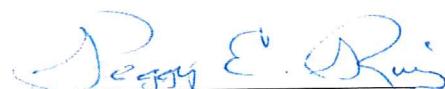
On July 26, 2017, I served the Clerk's Entry of Default against Stephen Shor (ECF No. 10) by placing a true and correct copy thereof in a sealed package designated for regular U.S.

Mail to:

Stephen Shor
(Redacted Version)
Great Neck, New York 11024

On July 26, 2017, I served the Clerk's Entry of Default against Doris Shor (ECF No. 11) by placing a true and correct copy thereof in a sealed package designated for regular U.S. Mail to:

Doris Shor
(Redacted Version)
Great Neck, New York 11024


PEGGY RUIZ

Sworn to before me this
9th day of August, 2017


Frances R. Many-Harris
Notary Public
FRANCES R. MANY-HARRIS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01MA6039562
QUALIFIED IN NEW YORK COUNTY 18
MY COMMISSION EXPIRES FEB. 4, 2018